

106TH CONGRESS  
1ST SESSION

# H. R. 2774

To amend chapter 89 of title 5, United States Code, to provide that any health benefits plan which provides obstetrical benefits shall be required also to provide coverage for the diagnosis and treatment of infertility.

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1999

Mr. MEEHAN introduced the following bill; which was referred to the  
Committee on Government Reform

---

## A BILL

To amend chapter 89 of title 5, United States Code, to provide that any health benefits plan which provides obstetrical benefits shall be required also to provide coverage for the diagnosis and treatment of infertility.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. INFERTILITY BENEFITS.**

4       Section 8904 of title 5, United States Code, is  
5       amended by adding at the end the following:

6       “(c)(1) Each health benefits plan described by section  
7       8903 or 8903a which provides obstetrical benefits shall  
8       also provide coverage for the diagnosis and treatment of

1 infertility, including nonexperimental assisted reproductive  
2 technology procedures.

3 “(2) Under this subsection—

4 “(A) coverage for the diagnosis or treatment of  
5 infertility may not be subject to any copayment or  
6 deductible greater than applies with respect to ob-  
7 stetrical benefits under the plan involved; and

8 “(B) coverage for a procedure described in  
9 paragraph (5)(B) shall, in the case of any individual,  
10 be required only if—

11 “(i) such individual has been unable to  
12 carry a pregnancy to live birth through less  
13 costly, medically appropriate infertility treat-  
14 ments for which such individual has coverage  
15 under this chapter;

16 “(ii) the procedure (including any retrieval  
17 incident thereto) is performed at medical facili-  
18 ties that conform to the standards of the Amer-  
19 ican Society for Reproductive Medicine, the So-  
20 ciety for Assisted Reproductive Technology, the  
21 American College of Obstetricians and Gyne-  
22 cologists, or any other similar nationally-recog-  
23 nized organization, or a Federal agency that  
24 promulgates standards for infertility proce-  
25 dures; and

1           “(iii) if the services of a laboratory are re-  
2           quired, such laboratory is accredited by the Col-  
3           lege of American Pathologists’ Reproductive  
4           Laboratory Accreditation Program or any other  
5           similar nationally-recognized program, or a  
6           Federal agency performing a similar function.

7           “(3)(A) Except as provided in subparagraph (B) or  
8 (C)—

9           “(i) coverage for a procedure described in para-  
10          graph (5)(B) may be provided only if the individual  
11          involved has not already undergone 4 attempts to  
12          achieve a live birth using any such procedures; and

13          “(ii) coverage for an oocyte retrieval may be  
14          provided only if the individual involved has not al-  
15          ready undergone 4 complete oocyte retrievals.

16          “(B) For purposes of clause (i) of subparagraph  
17 (A)—

18          “(i) if a live birth results from the third at-  
19          tempt (using a procedure described in paragraph  
20          (5)(B)), such clause shall be applied by substituting  
21          ‘5’ for ‘4’; and

22          “(ii) if a live birth results from the fourth at-  
23          tempt (using a procedure described in paragraph  
24          (5)(B)), such clause shall be applied by substituting  
25          ‘6’ for the otherwise applicable lifetime maximum.

1 “(C) For purposes of clause (ii) of subparagraph  
2 (A)—

3 “(i) if a live birth results from the third oocyte  
4 retrieval, such clause shall be applied by substituting  
5 ‘5’ for ‘4’; and

6 “(ii) if a live birth results from the fourth oo-  
7 cyte retrieval, such clause shall be applied by sub-  
8 stituting ‘6’ for the otherwise applicable lifetime  
9 maximum.

10 “(4) In no event shall this subsection be considered  
11 to permit or require coverage—

12 “(A) if, or to the extent that, the health bene-  
13 fits plan objects to such coverage on the basis of re-  
14 ligious beliefs; or

15 “(B) in connection with any procedure or treat-  
16 ment, unless rendered by a physician or at the direc-  
17 tion or request of a physician.

18 “(5) For purposes of this subsection—

19 “(A) the term ‘infertility’ means—

20 “(i) the inability to conceive a pregnancy  
21 after 12 months of regular sexual relations  
22 without contraception or to carry a pregnancy  
23 to a live birth; or

24 “(ii) the presence of a demonstrated condi-  
25 tion determined by 2 physicians (at least 1 of

1           whom specializes in infertility) to cause infer-  
2           tility; and

3           “(B) the term ‘nonexperimental assisted repro-  
4           ductive technology procedure’ means in vitro fer-  
5           tilization, gamete intrafallopian transfer, zygote  
6           intrafallopian transfer, and any other clinical treat-  
7           ment or procedure the safety and efficacy of which  
8           are recognized by the American Society for Repro-  
9           ductive Medicine, the American College of Obstetri-  
10          cians and Gynecologists, or any other similar nation-  
11          ally-recognized organization, or a Federal agency de-  
12          scribed in paragraph (2)(B)(iii).

13          “(6) The Office shall prescribe any regulations nec-  
14          essary to carry out this subsection.”.

15   **SEC. 2. EFFECTIVE DATE.**

16          The amendment made by this Act shall apply with  
17          respect to contracts entered into or renewed for any year  
18          beginning after the end of the 6-month period beginning  
19          on the date of enactment of this Act.

○